

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

RUBEN WILLS, Plaintiff vs. MICROGENICS CORPORATION, ET AL., Defendants	Hon. Brian M. Cogan CASE 1:20-cv-04432-BMC-VMS DEFENDANT THERMO FISHER SCIENTIFIC INC.'S NOTICE OF MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT ORAL ARGUMENT REQUESTED
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PLEASE TAKE NOTICE that Defendant Thermo Fisher Scientific Inc. shall move before the Honorable Brian M. Cogan, United States Judge, on a date and at a time to be set by the Court, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing Plaintiff's Second Amended Complaint for failure to state a claim upon which relief can be granted. Thermo Fisher shall also on said date join in Defendant Microgenics Corporation's Motion to Dismiss Plaintiff's Second Amended Complaint.

PLEASE TAKE FURTHER NOTICE that Thermo Fisher Scientific Inc. shall rely upon the accompanying Memorandum of Law in support of its Motion, and upon the record and pleadings filed herein.

Respectfully submitted,

Dated: February 10, 2021.

s/Christopher R. Carton
Christopher R. Carton (ID # CC0408)
Erica Mekles (ID # EM1020)
BOWMAN AND BROOKE LLP
317 George Street, Suite 320
New Brunswick, NJ 08901
Telephone: (201) 577-5175
chris.carton@bowmanandbrooke.com
erica.mekles@bowmanandbrooke.com

***Attorneys for Defendant Thermo Fisher
Scientific Inc.***